

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

CHARMAINE WEST and FIRST	)	
ALTERNATIVE PROBATION	)	
AND COUNSELING, INC.,	)	
	)	
<i>Plaintiffs,</i>	)	
v.	)	No. 1:00-cv-184
	)	<i>Edgar</i>
MEDIA GENERAL OPERATIONS, INC.	)	
d/b/a WDEF-TV 12,	)	
	)	
<i>Defendant.</i>	)	

**SCHEDULING ORDER**

This case came before the Court at 11:00 AM on Monday, July 25, 2005, pursuant to the mandate filed May 11, 2005, by the United States Court of Appeals for the Sixth Circuit [Court Doc. 205]. Present representing the plaintiffs was attorney Steven F. Dobson. Present representing the defendant was attorney Samuel L. Felker. The following new trial schedule is **ORDERED:**

**1. Settlement / Alternative Dispute Resolution:**

- (a) The possibility of settlement at this time appears to be unknown.
- (b) On or before **November 1, 2005**, the parties will jointly advise the Court in a pleading to be filed in the same manner as other pleadings as to whether or not an agreement has been reached by the parties to utilize mediation. If no agreement to utilize mediation has been reached by the parties, the pleading must contain a statement that the case is not suitable for mediation, and the reasons therefor. Any mediation must be completed on or before ten (10) days before the final pretrial conference; and the parties shall notify the Court of the results. Any

decision to utilize mediation will not alter the deadlines established by this scheduling order. The parties are encouraged to use the Federal Court Mediation Program.

**2. Disclosure and Discovery:**

(a) **Expert Testimony:** Disclosure of any expert testimony in accordance with FED. R. CIV. P. 26(a)(2) shall be made by the parties on or before **December 1, 2005**.

(b) **Final Witness List:** On or before **December 1, 2005**, the parties shall provide to all other parties a final witness list in accordance with FED. R. CIV. P. 26(a)(3)(A). Within five (5) days after service of this final witness list, the list may be supplemented.

(c) **All Discovery:** All discovery, including the taking of depositions "for evidence" shall be completed by **December 30, 2005**.

(d) **Pretrial Disclosures:** On or before **January 20, 2006**, the parties shall make the pretrial disclosures specified in FED. R. CIV. P. 26(a)(3)(B) and (C). (Deposition testimony and exhibit list). All deposition testimony to be offered into evidence must be disclosed to all other parties on or before this date.

**3. Other Scheduling Matters:**

(a) **Statements:** Plaintiff shall, in a pleading filed with the Court and noticed to all parties, specify what statements of defendant are actionable and should be submitted to the jury. This will be done on or before **November 1, 2005**, and shall include designations of any videotape that amplifies or explains the statement.

(b) **Motions in Limine:** Any motions in limine must be filed no later than **January 20, 2006**.

(c) **Special Requests to Instruct for Jury Trial:** Pursuant to Local Rule 51.1, special requests for jury instructions shall be submitted to the Court no later than **January 20, 2006**,

and shall be supported by citations of authority pursuant to Local Rule 7.4. There is reserved to counsel for the respective parties the right to submit supplemental requests for instructions during the course of the trial or at the conclusion of trial upon matters that cannot be reasonably anticipated.

**4. Final Pretrial Conference:** A final pretrial conference will be held in this case on **February 9, 2006, at 4:00 PM**, before the United States District Judge, in chambers, United States Courthouse, 900 Georgia Avenue, Chattanooga, Tennessee. The parties shall prepare and submit a final pretrial order to the Court on or before the date of the final pretrial conference.

By the time of the pretrial conference, the parties shall disclose to one another and to the Court, technology they intend to use in the courtroom during the trial and how they intend to use it (e.g., display equipment, data storage, retrieval, or presentation devices). This disclosure shall list (1) equipment they intend to bring into the courtroom to use, and (2) equipment supplied by the Court the parties intend to use.

Further, the parties shall disclose to one another the content of their electronic or digital materials by the time of the final pretrial conference, and shall confirm the compatibility/viability of their planned use of technology with the Court's equipment by the final pretrial conference. General information on equipment supplied by the Court is available on the Eastern District of Tennessee website ([www.tned.uscourts.gov](http://www.tned.uscourts.gov)). Specific questions about Court-supplied equipment should be directed to the courtroom deputy (directory available on website).

**5. Trial:** The trial of this case will be held before the United States District Judge **and a jury** beginning on **February 14, 2006**, at the United States Courthouse, Chattanooga, Tennessee. The trial is expected to last seven days. Counsel shall be present at 9:00 a.m. to take up any preliminary matters which may require the Court's attention. The parties shall be prepared to commence trial at 9:30 a.m. on the date which has been assigned. If this case is not heard

immediately, it will be held in line until the following day or anytime during the week of the scheduled trial date.

ENTER this *27th day of July, 2005*.

/s/ R. Allan Edgar

R. ALLAN EDGAR  
CHIEF UNITED STATES DISTRICT JUDGE